

REGION 6  
DELEGATION

TN-319  
January 31, 2008

**SOLID WASTE DISPOSAL ACT (SWDA)**

**R6-8-20. Monitoring, Testing, Analysis and Reporting**

1. **AUTHORITY.** Pursuant to the SWDA:

a. To make determinations that the presence of any hazardous waste at a facility or site at which hazardous waste is, or has been stored, treated, or disposed of, or the release of any such waste from such facility or site may present a substantial hazard to human health or the environment.

b. To make determinations and findings regarding monitoring, testing, analysis, and reporting.

c. To make determinations and findings that: the owner or operator of a facility or site not in operation when a determination that there may be a substantial hazard is made could not reasonably be expected to have actual knowledge of the presence of hazardous waste and its potential for release.

d. To issue orders to present and past owners and operators of facilities or sites requiring monitoring, testing, analysis, and reporting, requiring proposals for carrying out required monitoring, testing, analysis, and reporting and requiring the carrying out of same in accordance with such proposals and reasonable modifications.

e. To provide the owner or operator an opportunity to confer with EPA respecting a proposal for carrying out required monitoring, testing, analysis or reporting.

f. To make determinations and findings that: no owner or operator is able to conduct monitoring, testing analysis, or reporting satisfactory to the Administrator; any such action carried out by an owner or operator is unsatisfactory, or; it is not possible to determine whether there is an owner or operator who is able to conduct monitoring, testing, analysis, or reporting.

g. To conduct monitoring, testing, or analysis(or any combination thereof to authorize a State or local authority or other person to carry out such activity; and to order reimbursement for the costs of such activity.

## SOLID WASTE DISPOSAL ACT (SWDA)

### R6-8-20. Monitoring. Testing. Analysis. and Reporting (Continued)

2. TO WHOM DELEGATED. The Director, Multimedia Planning Permitting Division, the Director, Water Quality Protection Division, and the Director, Compliance Assurance and Enforcement Division.
3. LIMITATIONS.
  - a. Delegates of the Regional Administrator must consult with the Regional Counsel or his designee before exercising any of the above authorities.
  - b. The Director, Water Quality Protection Division, may only exercise this authority to carry out studies under Section 3018(c) of the SWDA.
4. REDELEGATION AUTHORITY. This authority may be re-delegated.
5. ADDITIONAL REFERENCES.
  - a. Section 3013 of the SWDA.
  - b. See also Section 3007 of the SWDA for additional information gathering authority.